

Message Text

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FM SECSTATE WASHDC

TO USMISSION GENEVA

INFO ALL NATO CAPITALS

AMEMBASSY MOSCOW

C O N F I D E N T I A L STATE 013326

LIMDIS

E.O. 11652: GDS

TAGS:PFOR CSCE UK

SUBJECT:CSCE -- UK POSITION ON PEACEFUL CHANGE

REF: GENEVA 7589

GENEVA FOR US CSCE DEL

1. UK EMBOFF CORNISH CALLED ON DEPTOFFS JANUARY 13 TO REITERATE BRITISH CONCERN OVER CSCE "PEACEFUL CHANGE" FORMULATION. CORNISH EMPHASIZED THAT LONDON PARTICULARLY DISLIKES REFERENCE IN EXISTING PEACEFUL CHANGE FORMULATIONS TO THE TERM "AGREEMENT." UK HYPOTHESIZES THAT INTERNATIONAL COURT OF JUSTICE MIGHT RENDER FUTURE DECISION ON BORDER CHANGES "UNDER INTERNATIONAL LAW" AND BY "PEACEFUL MEANS," BUT NOT REPEAT NOT IN A MANNER ENTAILING "AGREEMENT" OF PARTIES DIRECTLY CONCERNED. THUS, BRITISH HOPE WE WILL TRY TO DEVELOP TEXTUAL
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FORMULATION AT CSCE CALLING FOR PEACEFUL CHANGE "UNDER

INTERNATIONAL LAW" AND "BY PEACEFUL MEANS," BUT OMITTING
REFERENCE TO "AGREEMENT."

2. DEPTOFFS REPLIED THAT IN US VIEW CSCE DOCUMENTS WOULD
BE CONSIDERED TO HAVE POLITICAL AND MORAL COMMITMENTS,
RATHER THAN LEGAL FORCE, BEHIND THEM. THEREFORE, THEY
SERIOUSLY DOUBTED THAT CSCE TEXTS ON PEACEFUL BORDER CHANGES

OR OTHER ISSUES COULD BE ACCORDED LEGAL STANDING IN ICJ OR
ANY OTHER TRIBUNAL. THEY ALSO AGAIN SUGGESTED THAT
BRITISH CONSIDER USE OF FORMAL INTERPRETIVE STATEMENT
TO COVER THEIR NEEDS.

3. CORNISH SAID UK UNDERSTOOD US REASONING, BUT STILL
BELIEVED THAT CSCE TEXTS COULD COMPLICATE FUTURE DECISIONS
UNDER INTERNATIONAL LAW ON TERRITORIAL QUESTIONS. HE
NOTED, HOWEVER, THAT LONDON WAS MAINLY ANXIOUS TO HAVE
US AND FRG TAKE UK VIEWS INTO ACCOUNT IN ONGOING
NEGOTIATIONS ON PEACEFUL CHANGE TEXT AND ADDED THAT UK
WOULD NOT PRESS ITS VIEWPOINT SO FAR AS TO BLOCK POSSIBLE
AGREEMENT BY BOTH BONN AND MOSCOW ON AN EVENTUAL
COMPROMISE. KISSINGER

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